

STATE BUILDING CODE INTERPRETATION NO. I-23-03

December 23, 2003

This letter is offered in response to your letter to me dated December 22, 2003 in which you seek a formal interpretation of the provisions of subsection (c) of section 29-276b of the Connecticut General Statutes and section 114.2.2 of the BOCA National Building Code/1996 portion of the 1999 State Building Code. While I am unable to interpret statute, I am empowered to interpret the State Building Code portion of your query, and the following does so:

Question: Section 114.2.2 of the BOCA National Building Code/1996 portion of the 1999 State Building Code states that "All fees and costs related to the performance of special professional services shall be borne by the *owner*." When the owner hires a construction administrator, is it code compliant for such administrator to hire and pay the required special inspectors as well as the independent structural engineering consultant required by Section 114.3 of the referenced code?

Answer: Yes. The intent of the code is twofold: first, to clarify that payment of the special inspectors and independent engineering consultants is not the responsibility of the local building official; and secondly, to ensure that such consultants are not engaged and compensated by the contractor who is performing the work. Since the construction administrator is acting as an agent of the owner, in the owner's best interest, the intent of the code is met if the construction administrator engages and compensates the special inspectors and engineering consultants. The method by which the construction administrator is reimbursed by the owner for these costs is a matter of contract between the parties, outside the scope of the 1999 State Building Code.